IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5305 OF 2005

Shri Bhairanna @ Bahirji Balagonda Patil (Revaji) ..Petitioner.

Versus

The State of Maharashtra & Ors. ..Respondents.

Mr. G.N. Salunke for the Petitioner.

Mr. M.H.Solkar, AGP for the Respondent -State.

CORAM : S. A. BOBDE, J.

DATED : 22nd AUGUST,2005

P.C.:

1. Rule, returnable forthwith.

Mr. Solkar, Learned AGP waives service of rule for the respondent -State.

Heard by consent.

2. The impugned order of the Additional Collector dated 02.05.2005, directing S.D.O. to carry out site

inspection appears to have been passed without being issued notice to the petitioner and without being giving an opportunity of being heard. The impugned order is, therefore, liable to be set aside. It is hereby set aside.

3. The matter is remanded back to the Addl. Collector who may decide after hearing the petitioner. The petitioner is directed to appear before the Collector on 5th of September, 2005.

4. The Addl.Collector may issue notice to such other persons, as may be necessary.

5. Petition is disposed of in the above terms.

DT.22.08.05 (S.A.BOBDE,J)

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